

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JACQUELINE J. BERKLEY, )  
                          )  
                          Plaintiff, )  
                          )  
                         vs.         )                      Case No. 06-CV-0470 CEJ  
                          )  
NEW WORLD PASTA COMPANY, )  
                          )  
                         Defendant. )

ORDER

This matter is before the Court on plaintiff's motion for appointment of counsel.

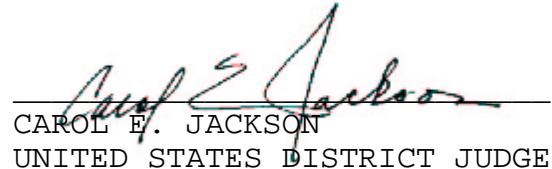
A *pro se* litigant has no statutory or constitutional right to have counsel appointed in a civil case. See Stevens v. Redwing, 146 F.3d 538, 545 (8th Cir. 1998) (quoting Wiggins v. Sargent, 753 F.2d 663, 668 (8th Cir. 1985)). In determining whether to appoint counsel for a *pro se* civil litigant, the court considers such factors as the complexity of the case, the ability of the plaintiff to investigate the facts, the existence of conflicting testimony, and the ability of the plaintiff to present her claim. Johnson v. Williams, 788 F.2d 1319, 1322-23 (8th Cir. 1986).

Plaintiff alleges that her employer, the New World Pasta Company, has discriminated against her on the basis of a disability. She brings suit under the Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213. Plaintiff's form complaint sets forth the legal basis of, and the facts underlying, her present claims. Neither the legal issues or the facts are complex and the

Court concludes that appointment of counsel is not warranted at this time.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion for appointment of counsel [#4] is **denied without prejudice**.



CAROL E. JACKSON  
UNITED STATES DISTRICT JUDGE

Dated this 30th day of May, 2006.